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STATUTORY INSTRUMENTS

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**1991 No. 1176**

**The Broadcasting (Restrictions on  
the Holding of Licences) Order 1991**

**PART III**

**RADIO**

**Introductory**

**11.**—(1) In addition to the limits on the holding of licences to provide national, local and restricted radio services set out in paragraph 2(1) of Part III of Schedule 2 to the Act (no person to hold more than one licence for national radio, 20 licences for local radio or six licences for restricted radio services) there shall be the limits set out in this Part; and for this purpose particular categories of radio services shall be ascribed points according to the table set out below.

TABLE III

Category of service	Points
National radio	25
Category A local radio	15
Category B local radio	8
Category C local radio	3
Category D local radio	1
Restricted radio service provided otherwise than for a particular event	1

(2) For the purpose of the table a local radio service falls—

- (a) into category A if the number of persons over the age of 15 resident in the area for which the service is provided exceeds 4.5 million;
- (b) into category B if the number of such persons exceeds 1 million but does not exceed 4.5 million;
- (c) into category C if the number of such persons exceeds 400,000 but does not exceed 1 million; and
- (d) into category D if the number of such persons does not exceed 400,000.

(3) In the case of a service provided on an amplitude modulated (AM) frequency the relevant number of points applicable to the service by virtue of the table shall be reduced by one third.

(4) A service which, on the day on which the licence to provide it is granted, falls into a particular category for the purposes of the table shall continue to be regarded as falling into that category as

long as any increase or decrease in the relevant number of persons over the age of 15 (which would otherwise take the service outside that category) does not exceed 10%.

(5) A person who is a participant with more than a 20% interest in a body corporate which is the holder of a licence to provide a service falling within any of the categories set out in the table, but who does not control that body, shall, for the purposes of the limits set out in article 12, be treated as the holder of a licence to provide a service to which one half of the points (which would otherwise be applicable to such a service) are ascribed.

(6) In this Part references to the area for which a particular service is provided are references to the measured coverage area determined by the Radio Authority for that service.

### **Limits**

**12.**—(1) Subject to the following paragraphs, a person shall not at any time hold licences to provide national, local or restricted radio services such that the total number of points applicable to such services, calculated in accordance with article 11, exceeds 15% of the total number of points so calculated applicable to all such services in respect of which licences have been granted and have not ceased to have effect.

(2) Such a person as is described in paragraph (1) may hold licences such that the total number of points applicable to the services to which they relate exceeds 15% of the total number of points applicable to all such services if the excess is solely attributable to a reduction in the number of points applicable to all such services.

(3) A person shall not at any time hold more than two licences to provide local radio services falling into category A.

(4) Subject to paragraph (3), a person shall not at any time hold more than six licences to provide local radio services falling into category A or B.

(5) Subject to paragraph (3), a person who holds a licence to provide a national radio service shall not at any time hold more than four licences to provide local radio services falling into category A or B.

### **Overlapping areas**

**13.**—(1) Subject to paragraph (5), a person who holds a licence to provide a local radio service shall not at any time hold a licence to provide a local radio service to which this article applies; and, subject to paragraphs (3) and (4), such a person shall not be a participant with more than a 20% interest in a body corporate which is the holder of a licence to provide a local radio service to which this article applies.

(2) This article applies to a local radio service which is—

- (a) provided for an area which is substantially the same as that for which the service provided by the person mentioned in paragraph (1) is provided; and
- (b) provided on the same frequency band as that service.

(3) A person who holds a licence to provide a local radio service may be a participant with more than a 20% interest in a body corporate which is the holder of a licence to provide such a local radio service as is described in paragraph (2) if the number of persons over the age of 15 resident in the smaller area does not exceed 10% of the number of such persons resident in the larger area.

(4) Where such a person as is described in paragraph (3) is a participant with more than a 20% interest in a body corporate which is the holder of a licence to provide such a local radio service as is described in that paragraph he may not be a participant with more than a 20% interest in any other such body corporate.

(5) Nothing in this article shall prevent a person from holding a licence to provide local radio services if—

- (a) that person was, immediately before the grant of the licence, a local radio contractor for an area which was substantially the same as the area in respect of which those licensed services are provided; and
- (b) he provided two or more different programme services on different frequencies pursuant to his contract.

(6) For the purposes of this article two areas are to be regarded as substantially the same if at least 50% of the persons over the age of 15 resident in the smaller area are also resident in the larger area.